

Notice of Allowability

Application No.

09/551,151

Examiner

Samuel W Liu

Applicant(s)

BORGFORD, THOR

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-6-04, 9-17-03 & 4-28-03.
2. ☒ The allowed claim(s) is/are 40,49,51 and 58.
3. ☒ The drawings filed on 14 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2-20-04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The terminal disclaimer filed on 6 February 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Application No. 10/394511 has been reviewed and are accepted.

This Office action is in response to applicants' amendment filed 6 February 2004 which cancels claims 45, 55 and 57, adds claims 59-64, and amends claims 40 and 51; applicants' amendment filed 17 September 2003, which cancels claims 41-44, 46-48, 50, 52-54 and 56, and amends claims 40, 49-50, 55 and 57; and applicants' amendment filed 28 April 2003 which cancels claims 1-39. The above stated amendments have been entered.

The pending claims 40, 49, 51 and 58-64 are therefore examined in this Office action.

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no latter than payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Micheline Gravelle on February 20, 2004. Applicants agree to cancel claims 59-64 without prejudice.

Amendments to the specification:

In the amendment to the specification (filed 17 September 2003):

In page 4, lines 1-2, 9-11, 18-19, 25 and 27, change "SEQ ID NO. " to "SEQ ID NO:".

In page 5, lines 6, 10, 14, 18, 22, 26 and 30, change "SEQ ID NO. " to "SEQ ID NO:".

In page 6, lines 4, 8, 12, 16, 20, 24 and 28, change "SEQ ID NO. " to "SEQ ID NO:".

In page 7, lines 2, 6, 10, 14, 18, 22, 26 and 30, change "SEQ ID NO. " to "SEQ ID NO:".

Art Unit: 1653

In page 8, lines 4, 8, 12, 16, 20, 24 and 28, change "SEQ ID NO. " to "SEQ ID NO:".

In page 9, lines 2, 6, 10, 14, 18, 22, 26 and 30, change "SEQ ID NO. " to "SEQ ID NO:".

In page 10, lines 7, 11, 15, 19, 23, 27 and 31, change "SEQ ID NO. " to "SEQ ID NO:".

In page 10, line 3, change "SEQ ID NOS. 127 & 40-46" " to "SEQ ID NOS: 40-46 and 127".

In page 11, lines 4, 19-20, 26-27 and 29, change "SEQ ID NO. " to "SEQ ID NO:".

In page 11, line 7, change "SEQ ID NOS. 127 & 55-59" " to "SEQ ID NOS: 55-59 and 127"; line 10, change "SEQ ID NOS.127, 53-64, 60-62, 65-69" to "SEQ IDN NOS: 53-64, 60-62, 65-69 and 127"; line 13, change "SEQ ID NOS.127, 70-72" to "SEQ ID NOS: 70-72 and 127"; and line 22, change "SEQ ID NOS. 127, 75" to "SEQ ID NOS: 75 and 127".

In page 12, lines 2-3, 9, 16-17, 23-24, 26 and 30-31, change "SEQ ID NO. " to "SEQ ID NO:".

In page 12, line 5, change "SEQ ID NOS. 127, 81" " to "SEQ ID NOS: 81 and 127"; line 12, change "SEQ ID NOS.127, 84" to "SEQ IDN NOS: 84 and 127"; and line 19, change "SEQ ID NOS.127, 87" to "SEQ ID NOS: 87 and 127".

In page 13, lines 6-7, 13-14, 20-21, 23 and 27-28, change "SEQ ID NO. " to "SEQ ID NO:".

In page 13, line 9, change "SEQ ID NOS. 127, 96" " to "SEQ ID NOS: 96 and 127"; line 16, change "SEQ ID NOS.127, 99" to "SEQ IDN NOS: 99 and 127"; and line 30, change "SEQ ID NOS.127, 105" to "SEQ ID NOS: 105 and 127".

In page 14, lines 4-5, 11-12, 18-19 and 25-26, change "SEQ ID NO. " to "SEQ ID NO:".

In page 14, line 7, change "SEQ ID NOS. 127, 108" " to "SEQ ID NOS: 108 and 127"; line 14, change "SEQ ID NOS.127, 111" to "SEQ IDN NOS: 111 and 127"; line 21, change

Art Unit: 1653

“SEQ ID NOS.127, 114” to “SEQ ID NOS: 114 and 127”; and line 28, change “SEQ ID NOS.127, 117” to “SEQ ID NOS: 117 and 127”.

In page 15, lines 2-3, 9-10 and 16-17, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 15, line 5, change “SEQ ID NOS. 127, 120” “ to “SEQ ID NOS:120 and 127”; line 12, change “SEQ ID NOS.127, 123” to “SEQ IDN NOS: 123 and 127”; and line 19, change “SEQ ID NOS.127, 126” to “SEQ ID NOS: 126 and 127”.

In the specification as original filed:

In page 28, lines 20, 22, 24, 26, 28, 30, 32 and 34, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 29, lines 2, 4, 6, 8-9, 11, 13-14, 18-19, 23-24, 26, 28-29, 32 and 33, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 30, lines 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 31, lines 1-4, 7-8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 32, lines 30, 32 and 34, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 33, lines 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 31, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 34, lines 2, 4, 6, 8, 10, 12, 14, 16, 19, 21, 24, 26, 28, 30, 32 and 34, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 35, lines 2, 4, 6, 8, 10, 12, 15, 17, 19, 22, 24, 26, 28, 30 and 32, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 36, lines 3, 5, 7, 9 and 12, change “SEQ ID NO. “ to “SEQ ID NO:”.

In page 61, line 25, change "βME" to "β-ME".

In page 62, line 8, change "PVDF Biorad membrane" to "PVDF membrane (Biorad)".

In page 68, line 11, change "PH 7.5" to "pH 7.5".

In page 72, line 6, change "30(C" to "30 °C".

In page 73, line 16, change "60(C" to "60 °C"; line 17, change "70(C" to "70 °C"; and line 21, change "37(C" to "37 °C".

In page 74, lines 7, 9-10, 12 and 17, change "37(C" to "37 °C".

In page 75, lines 12 and 39, change "37(C" to "37 °C".

Amendments to the claims:

Delete claims 59-64.

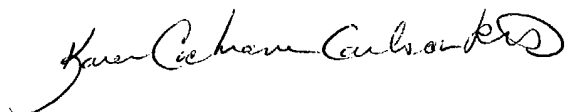
The pending claim 49 has been amended as follows. Please replace the previous claims with the claims shown below.

Claim 49 (*Twice amended*): change "SEQ ID No.43" to "SEQ ID NO:43".

Conclusion: claims 40, 49, 51 and 58 are allowable over the art of record.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (571) 272-0949. The Examiner can normally be reached daily except alternate Fridays from 8:30 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christopher Low, can be reached at (571) 272-0951. The official fax number for Technology Center 1600 is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.


KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER

Application/Control Number: 09/551,151
Art Unit: 1653

Page 6

Samuel W. Liu, Ph.D.
February 18, 2004